

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

J.B.D.L. Corp. d/b/a	)	Civil Action No. C-1-01-704
BECKETT APOTHECARY, et al.	)	
	)	Judge Sandra S. Beckwith
Plaintiffs,	)	Magistrate Judge Timothy S. Hogan
	)	
v.	)	
	)	<b>JOINT MOTION TO MODIFY</b>
WYETH-AYERST LABORATORIES, INC.,	)	<b>CALENDAR ORDER</b>
et al.	)	
Defendants.	)	

**MOTION**

The parties respectfully request a modification of the prior Calendar Order entered in this case, dated November 18, 2003 (Doc. #73). The parties' proposed Agreed Modified Calendar Order has been sent via electronic mail to the Court in Word and WordPerfect format.

## MEMORANDUM IN SUPPORT

The merits and expert discovery in this case cannot be completed by the dates set forth in the Calendar Order dated November 18, 2003 (Doc. #73) and, therefore, it is in the best interests of all parties to extend the dates by which merits and expert discovery shall conclude. This extension of the merits and expert discovery deadlines also requires an extension of approximately two months for the filing of dispositive motions briefing set by the November 18, 2003 Calendar Order, with the exception of the final pretrial conference date which will be set by Judge Beckwith. Significantly, this Agreed Modified Calendar Order does not affect the trial date which has yet to be set by the Court.

Accordingly, the parties jointly move this Court to extend the deadlines as set forth in the Agreed Modified Calendar Order attached hereto.

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Local Counsel for Defendants

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing has been served this 16<sup>th</sup> day of March 2004 on the counsel of record who are not served through the court's ECF system, as follows:

**VIA OVERNIGHT DELIVERY**

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	)	Judge Sandra S. Beckwith
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	)	
WYETH-AYERST LABORATORIES, INC.,	)	
et al.	)	
Defendants.	)	

**AGREED MODIFIED CALENDAR ORDER**

Pursuant to the agreement of the parties, the Calendar Order dated November 18, 2003 (Doc. #73) is modified as follows:

1. Merits Discovery: shall conclude on **April 23, 2004**; absent agreement or order of the Court, no further document requests, interrogatories or requests to admit shall be served and each side remains limited to a total of 15 depositions (excluding experts);
2. Plaintiffs shall serve their expert reports and all information, including in electronic form any databases or models, relied upon: for receipt on or before 5:00 p.m. on **April 23, 2004** via hand delivery or overnight mail;
3. Defendants will depose Plaintiffs' experts: on or before **May 24, 2004**;
4. Defendants shall serve their expert reports and all information, including in electronic form any databases or models, relied upon: for receipt on or before 5:00 p.m. on **July 8, 2004** via hand delivery or overnight mail;
5. Plaintiffs shall depose Defendants' experts: on or before **August 9, 2004**;
6. Plaintiffs shall serve any rebuttal expert reports and all information, including in electronic form any databases or models, relied upon: for receipt on or before 5:00 p.m. on **August 31, 2004** via hand delivery or overnight mail;

7. Defendants shall depose Plaintiffs' rebuttal experts: on or before **September 14, 2004**;
8. Dispositive motions filed and served upon Plaintiffs' co-lead counsel by the Court's electronic filing system (ECF) or by hand delivery or by overnight mail for receipt no later than 5pm on: **October 21, 2004**;
  - a. Opposition filed and served upon defense counsel by ECF or by hand delivery or by overnight mail for receipt no later than 5pm on: **November 23, 2004**;
  - b. Reply filed and served upon Plaintiffs' co-lead counsel by ECF or by hand delivery or by overnight mail for receipt no later than 5pm on: **December 16, 2004**;
9. Final pretrial Conference: to be set by the Court in **February 2005** or such other date as may be set by the Court.
10. Trial: **March 2005** or such other date as may be set by the Court.

Date: \_\_\_\_\_

\_\_\_\_\_  
Timothy S. Hogan  
United States Magistrate Judge

Agreed:

\_\_\_\_\_  
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